



WEB COPY



W.P.No.23981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23981 of 2024
and W.M.P.No.26247 of 2024

Vela Automobile Private Limited,
(ATHER Scooter Service Centre),
Rep. by its Director Sibi Manivannan,
Part of Plot Nos.49 & 51,
2nd Sector Road,
Tamil Nadu Small Industries Development
Corporation Limited,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

... Petitioner

Vs.

1. The Estate Officer/Branch Manager,
Tamil Nadu Small Industries
Development Corporation Limited,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

2. A Elumalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated on 08.08.2024 and on 12.08.2024 to exempt ATHER (Electric) Scooter Service Centre run by the petitioner in the premises situated in the eastern side of the Plot



W.P.No.23981 of 2024

Nos.49 & 51, Industrial Estate, Guindy, Chennai OR in alternative to grant the petitioner six months' time to vacate and shift the service center to other place.

For Petitioner : Mr.T.V.Balaji
For Respondents
For R1 : Mr.G.Vasudevan
Standing Counsel

ORDER

This writ petition has been filed for direction directing the first respondent to consider the representations submitted by the petitioner dated 08.08.2024 and 12.08.2024, seeking exemption from sealing the premises, in which the petitioner is running scooter service centre, situated at Plot Nos.49 & 51, Industrial Estate, Guindy, Chennai.

2. The second respondent was originally allotted the premises in Plot Nos.49 & 51, Industrial Estate, Guindy, Chennai. The petitioner is a sub-tenant under the second respondent. While being so, the second respondent requested to issue no objection certificate to run a restaurant in the northern portion of the said plot. It was rejected by the first respondent on the ground that it is a commercial activity and it would damage the industrial homogeneity. Therefore, the first respondent directed the second respondent to stop the running of his restaurant. It



W.P.No.23981 of 2024

was challenged by the second respondent before this Court and the same was dismissed by an order dated 23.01.2024 in W.P.No.17871 of 2017.

The petitioner, being a sub-tenant of the second respondent, is running scooter service center in a portion of the eastern side of the plot Nos.49 & 51. Now the first respondent by an order dated 29.07.2024 ordered to seal the premises of land and building ad measuring 27.2 cents, since it was allotted in favour of the second respondent. The petitioner being a sub-tenant seeks time to vacate the premises and remove the machinery which was put up by the petitioner.

3. Considering the above facts and circumstances, the petitioner is permitted to remove the machinery and other articles which are kept in the sub-tenancy premises on or before 17.08.2024 and till such time, the first respondent is directed to leave the petitioner's sub-tenancy from lock and seal of the premises situated in Plot Nos.49 & 51, Industrial Estate, Guindy, Chennai.



W.P.No.23981 of 2024

WEB COPY

4. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

14.08.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

***Note:- Issue order copy today
i.e., on 14.08.2024***

rts



W.P.No.23981 of 2024

To
WEB COPY

1. The Estate Officer/Branch Manager,
Tamil Nadu Small Industries
Development Corporation Limited,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.



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W.P.No.23981 of 2024

G.K.ILANTHIRAIYAN. J.

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